

REMARKS

Drawings

Figure 3 has been amended to replace one of the duplicated reference numbers 74 with the reference number 56. Thus, number 56 should indicate a bus and 74 a BIOS. Further, the number 80 was difficult to read in Figure 3. Thus, a clear rendition of number 80 was added to Figure 3. Software 80 is also shown in Figure 4, which was not amended. As such, the objections to the drawings should be cured.

Specification

The disclosure was objected to due to an apparent typographical error. Although the term “draft” is not a typographical error, the term “Figure” on page 15, line 26 is. The specification has been amended to replace the term “Figure” with the term “block”.

Claim Rejections

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by Zigmond.

Amended claim 1 calls for allowing the use of content on a content receiver, collecting information about a characteristic of the receiver, providing that information to a remote processor-based system to select, from an advertising database, an advertising subset that is based on the characteristic of the receiver, receiving the advertising subset on the receiver to selectively choose an advertisement from the advertising subset for storage, and automatically interrupting the use of content to temporarily replace the content with an advertisement.

Zigmond does not teach or suggest providing information about a characteristic of a receiver to a remote processor-based system to select, from an advertising database, an advertising subset that is based on the characteristic of the receiver, and receiving the advertising subset on the receiver to selectively choose an advertisement from the advertising subset for storage.

Zigmond's ad insertion devices 60 and 80 does not receive an advertising subset that is selected from an advertising database on a remote processor-based system, the advertising subset based on a characteristic of the receiver. For example, in Zigmond, an advertiser may use viewer-response information to modify the content of its advertisement or to change advertisement selection criteria. *See* column 4, lines 53-67. Neither advertiser activity pertains to selecting an advertising subset from an advertising database on a remote processor-based system. That is, merely changing the content of an advertisement has nothing to do selecting a subset of advertisements from an advertising database on a remote processor-based system.

Also, changing the ad selection criteria only influences the selection of advertisements on Zigmond's ad insertion device 80, not selection on the remote processor-based system. *See* column 11, lines 31-32. For example, Zigmond specifically stores ad selection criteria in the ad insertion device 80. When advertisements are received by Zigmond's device 80, they may be cached in the advertisement repository 86 and *then* selected based on the specified criteria. *See also* column 14, line 66-column 15, line 25; column 17, lines 10-25. Thus, Zigmond fails to specifically disclose receiving, on device 80, a *subset* of advertisements that are selected from an advertising database at the advertisement source 62.

In an alternate embodiment, Zigmond's ad insertion device 60 may have some components at the household and others at a remote location. *See* column 7, lines 50-66. In this embodiment, selection of advertisements is at the remote location. But, Zigmond does not specifically disclose that the advertisements selected at the remote location are part of a subset transmitted to the device 60. Also, Zigmond fails to specifically disclose that there is an option to store (or not store), on device 60, advertisements selected at the remote location. For example, Zigmond's device 80 may have prefiltering capabilities. *See* column 15, lines 17- 23; column 17, lines 14-18. But, Zigmond is silent as to whether prefiltering is an option when advertisements are selected remotely. In fact, Zigmond suggests the opposite. Prefiltering and ad selection on device are based on the ad selection criteria. *Id.* But, where

advertisement selection is at the remote location it makes no sense to prefilter based on ad selection criteria where ad selection takes place elsewhere. Thus, there is simply no reason to have ad selection criteria at the device 60 if ad selection is takes place remotely.

For at least these reasons it is respectfully submitted that Zigmond fails to disclose each and every limitation of amended claim 1. As such, claim 1 and claims dependent thereon are believed to be patentable over Zigmond.

Under a similar analysis, amended claims 11 and 21, and respective dependent claims, are also believed to be patentable over Zigmond.

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested.

The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (ITL.0510US)

Respectfully submitted,



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